



CALIFORNIA VETERANS BOARD MINUTES GENERAL SESSION MEETING #678



Chairman George Sinopoli

Board Members:

**Leo Burke, Vice Chairman
Dr. Vernon Chong**

**Col James C. Crump, Jr. USAF (Ret)
William D. Jackson**

July 15, 2005

The California Veterans Board met in regular session at the City of Redding, Council Chamber, 777 Cypress Avenue, Redding CA 96001 at 9:00 a.m.

ROLL CALL

Present: Board Members George G. Sinopoli Chairman, Leo P. Burke Vice-Chairman, Vernon Chong Member, James C. Crump Jr. Member, and William D. Jackson Member.

Absent: None

Chairman Sinopoli presided.

CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS (CDVA)

Present: Roger Brautigan, Undersecretary. Robert Wilson, Deputy Secretary Chief Counsel. Jack Kirwan, Chief Veterans Services.

INVOCATION

PLEDGE OF ALLEGIANCE

WELCOMING REMARKS

John Mathena, Mayor of Redding
Mike Warren, City Manager
Philip A. Perry, Assistant City Manager
Senator Maurice Johannessen (Ret)
Assemblyman Doug La Malfa
Chairman George Sinopoli, California Veterans Board
Audience

Statement submitted: Yes, by KMJ. [File #05-0701](#)

Statement submitted: Yes, by PB. [File #05-0702](#)

Statement submitted: Yes, by JC. [File #05-0703](#)

SPECIAL PRESENTATIONS AND ANNOUNCEMENTS

Chairman Sinopoli presented a plaque to Senator Maurice Johannessen, on behalf of the California Veterans Board, in recognition of serving all of California Veterans.

Chairman Sinopoli presented a plaque to Bruce Thiesen, behalf of the California Veterans Board, in recognition of serving all of California Veterans.

VETERANS AFFAIRS COMMUNICATIONS

Undersecretary, Roger Brautigan the status of occupancy at the Roosevelt Hall of Yountville for Dementia and Alzheimer patients sometime after the end of calendar year 2006.

Undersecretary, Roger Brautigan reported on the issues and process of the Redding Veterans Home. The Los Angeles (GLAVC) project must be funded and designed first before moving on to the Redding Veterans Home. Public Works Board February meeting on target 2006 to have project approved by the state, once approved by the state CDVA will submit for Federal Funding. Federal participation is \$125,000.00, 65% allowable cost to build the three veteran homes. Anticipate Redding land transfer in near future September/October timeline.

CLOSED SESSION REPORT

There was no Closed Session.

CALIFORNIA VETERANS BOARD CONSENT ITEMS

1. MINUTES

RECOMMENDATION

ACCEPT and APPROVE the minutes of the regular meetings of May 20, 2005.

Board member Burke moved to approve May 20, 2005 Minutes. Board Member Jackson seconded. The vote was as follows.

AYES: Board Member Crump, Burke, Chong, Jackson, and Sinopoli

NOES: None

ABSTAIN: None

ABSENT: None

Chairman declared the motion carried.

2. POSTPONED CONSENT ITEMS

ACTION to APPROVE proposed Administrative Policy APPU GF-0005 General Fund Cost Recovery.

Discussion was held:

Undersecretary Roger Brautigan reported on proposed Policy APPU GF-0005 Morale Welfare Recreation Funds (MWRF).

Deputy Secretary Chief Counsel Robert Wilson reported on the number of staff (one full-time and one student) handles estates collection. Total collection of estates for 2003/04 \$311,212.00, end of June 30th of 2005 estate collection total \$655,750.00. Task by CDVA staff depends on the size of the estate. The majority of the estate collections goes right back to the veterans.

Advisory Member Howell Jackson the recovery cost of processing each estate from that estate itself, normally done in probate proceedings. In probate cases the court would approve the cost and expenses of processing the estate.

Deputy Secretary Chief Counsel Robert Wilson the option of charging the MWRF before depositing funds instead of depositing the funds and charging the fund at a later date for services rendered.

Board Member Crump, the initial recommendation which did not include a percentage simply the board would allow the Department of Veterans Affairs to recover the actual cost for processing the individual estates.

David Salopek Allied Council Chairman, stated: "The MWRF is not taxpayers funds but funds derived from estates of veterans of the veterans homes donated to the MWRF. Senator Johannessen and Senator Chesbro created legislation to protect the MWRF by various branches of government. The issue today is the three Veteran Homes. Barstow and Chula Vista do not pay for the cost of capturing these funds that are brought into their MWRF. The Department of Veterans Affairs provides that service at no cost. Yountville is 121 years old and the largest veteran homes in the United States. Who is going to pay for the cost of processing estates at Yountville? The members have agreed today to pay for the exact cost of the recovery. It is done at the home and overseen by the Administrator. For one instance it cost \$12,000 for actual services rendered to recoup \$90,000. We have made an agreement with Secretary Johnson through our Administrator to continue or to pay 10% whichever is less of the total cost for services rendered. We request a policy that the Board and the Department of Veterans Affairs will agree on. What will happen to those donors who are not interested in supporting the Department of Veterans Affairs but would like these resources to go to veterans. We are prepared to do our fair share as members of the Veterans Home of Yountville".

Board Member Jackson the veterans at Barstow are in full agreement to pay but request the intent. Is the intent to pay for the salaries of two employees?

Roger Brautigan the cost is to try to offset the salaries of one fulltime employee at Yountville. Will have nothing to do with donated funds only with trying to settle estates?

Bruce Thiesen spoke about Military Veterans Code 1047 (M&V).

Howell Jackson spoke about M&V Code 1047 which simple states the MWRF shall not be used for certain purposes and discussed the probate process. At the conclusion of that process there is an accounting made to the court. That accounting should set forth the cost of processing the estate.

Deputy Secretary Chief Counsel Robert Wilson if there is an improved accounting practice we would do it.

RECOMMENDATION

Board Member Burke moved to POSTPONE for review California Department of Veterans Affairs (CDVA) Administrative Policy, APPU GF-0005 General Fund Cost Recovery. Board member Jackson seconded. The vote was as follows.

AYES: Board Member Crump, Burke, Chong, Jackson, and Sinopoli

NOES: None

ABSTAIN: None

ABSENT: None

Chairman declared the motion carried.

3. NEW BUSINESS

Northern California Veterans Cemetery

Jack Kirwan, Chief of Veterans Services PowerPoint presentation on the cemetery construction site Northern California Veterans Cemetery. Cemetery Project completion 50%, on track dedication ceremonies set for Veterans Day 2005.

Undersecretary Roger Brautigan the status of hiring a new Cemetery Administrator.

Proposal for Behavior Health Program

Undersecretary Roger Brautigan reported on Proposal of the Behavior Health Program. The Department of Veterans Affairs is looking to establish a comprehensive treatment program. Board will review proposal at next board meeting.

Five New Veterans Homes Status

Undersecretary Roger Brautigan reported on the process of completing all five veterans homes. Estimated in five years based on time-line for construction of Veterans Home Redding. The design and build legislation would benefit the long process.

Fresno Land Transfer

Undersecretary Roger Brautigan reported the upcoming Department of General Services Fresno meeting on July 19, 2005.

DECLARED A FIVE MINUTE RECESS

Cal Vet Loan Program

Undersecretary Roger Brautigan reported on the Farm & Home Business Plan, on track. Business Plan calls for changing business practices; reducing staff, closing some field offices and provide good customer services via the Internet. Looking for more creative ways to provide loan services for veterans.

Undersecretary Roger Brautigan reported on H. R. 2952 legislation Congressman Paul Ryan joined Congressman Wally Herger who introduced H. R. 2952. This bill will provide most recent veterans to qualify for special, low interest mortgage loans that have helped earlier California veterans become homeowners. Currently have over 16,000 loans in Cal Vet portfolio.

Hiring Veterans at California Department of Veterans Affairs

Undersecretary Roger Brautigan reported on 20% goal has been established of hiring veterans at the California Department of Veterans Affairs. Currently Human Resources and legal staff will be working on a draft Administrative Policy. Will report on the status at a later board meeting.

Board member Crump recommended that the board should look at all state departments regarding veteran's preference and issue a report to the Governor and State Legislatures of those agencies violating the law.

Undersecretary Roger Brautigan reported that the Governor signed a proclamation in July "Hiring Veterans Month".

Disabled Veteran Business Enterprise Program

Jack Kirwan, Chief Veterans Services reported on the requirements and state participation goal for Disabled Veteran Business Enterprise (DVBE) Program. California Department of Veterans Affairs role is advocacy, the Department of General Services operates the DVBE program, and DGS role is compliance. DVBE advisory committee will be meeting on Thursday, July 22, 2005 CDVA headquarters, Medal of Honor Hall.

Discussion was held:

Board member Crump the role of the California Department of Veterans Affairs as the DVBE advocacy role and the Department of General Services carries out the goals for each state departments. Requested information/report on each state departments 3% goal.

Jack Kirwan, Chief Veterans Services a new legislative bill requiring all departments to report their DVBE participation. One of the first priorities is to establish a database to check if each state department is meeting their 3% goal.

Howell Jackson talked about the statute, which prescribes the Department of Veterans Affairs role DVBE program, which does not grant the department authority but refers the department as advocacy role.

Jack Kirwan talked about his current role as Chairman of the Disabled Veterans Business Enterprise Advisory Council. Next Advisory Committee meeting July 21, 2005, 10:00 a.m. – 3:00 p.m. Department of Veterans Affairs Headquarters.

4. REPORT ON BOARD MEMBERS ACTIVITIES FOR MAY AND JUNE 2005

Board member Crump attended funeral services for Sgt. Michael Scott Barnhill Sr., attended VFW State Convention, attended the Governor's Executive Forum, attended the California Army National Guard 49th Personnel Services Battalion of Sacramento, and a Veterans and Family Homecoming event, an Organization in Sacramento. Meet with Congresswoman Matsui.

Board member Chong: none to report.

Board member Jackson attended three Memorial Day events, attended VFW and American Legion district meeting, attended Disabled American Veterans Convention and the Jewish War Veterans Convention.

Board member Burke attended American Legion Convention in Palm Springs and Board meeting in Barstow.

Board member Sinopoli attended the American Legion Convention and local Fresno meetings.

5. REPORT BY BOARD MEMBERS SELECT COMMITTEES

Board Member Crump: Budget Committee read statement (#05-0703).

Board Member Burke: Legislation Committee read California Veterans Board Policy A-5. Discussed the California Veterans Board role in the legislative process.

Discussion was held:

Charles Waters Advisory Committee Member spoke about the Commanders Counsel. Ask for the California Department of Veterans Affairs to take a position on veteran legislation.

Board Member Crump raises a question why the Department of Veterans Affairs does not take a position on veteran legislation until the bill reaches the Governor's Office?

Undersecretary Roger Brautigan did not know the answer but pass on the issue to Bruce Thiesen a prior Secretary of the Department of Veterans Affairs.

Bruce Thiesen talked about the process by which the Department of Veterans Affairs obtains approval from the Governor's Office and subsequently take a position on veteran legislation.

Davis Salopek the Department of Veterans Affairs took a neutral position on SB 310 Chesbro, which was greatly appreciated by the Allied Counsel of Yountville.

Board Member Burke currently the Department of Veterans Affairs does not take a position on legislation. Deputy Secretary Glazier did work with the board on legislation.

Charles Waters Advisory Member the need to take a position on legislation during legislative committee hearings.

Board Member Crump: Farm and Home Committee will be meeting on July 19, 2005.

Board Member Burke: Cemetery Committee his role on the U. S. Department of Veterans Affairs Advisory Committee on Cemeteries and Memorials.

Board Member Jackson: Contracts Committee none to report

Board Member Chong: Veterans Services none to report.

Board Member Chong: Policy and Procedures reported Policy Book is up-to-date.

Board Member Jackson: Homeless Veterans Committee will report at next board meeting on March Air Force Base Homeless Availability.

Board Member Jackson: Veterans Homes Committee trying to get all three homes together to discuss problems. Will report next board meeting.

RECOMMENDATION

Board Member Crump moved to ACCEPT and APPROVE the Secretary Tom Johnson's offer to "assist the Board in the preparation of a budget change proposal for 2006-2007 that seeks funding for separate legal support" for the Board, and that the Executive Officer, with help from the Board's Budget Committee, be directed to begin immediately to work with the Secretary and his staff to implement Board Policy A-12. That the Board's Budget Committee be directed to prepare a letter from the Board Chairman to the Attorney General's Office requesting consent to the hiring of special counsel for the Board, and that the Board approve and be prepared to fund the special counsel position in 2005-2006 from anticipated unexpended funds from the Board's current 2005-2006 budget. Board Member Burke seconded. The vote was as follows.

AYES: Board Member Crump, Burke, Chong, Jackson, and Sinopoli

NOES: None

ABSTAIN: None

ABSENT: None

Discussion held:

Board Member Chong requested clarification on obtaining counsel from the Attorney General Office or hiring Special Counsel.

Robert Wilson Deputy Secretary Chief Legal Counsel discussed the role of the Attorney General's Office and July 5, 2005 Memo.

Board Member Crump mentioned various sections of Military & Veterans Code.

Board Member Burke talked about a prior meeting and correspondence with the Attorney General's Office.

Chairman declared the motion carried.

6. REPORTS BY CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS DIVISION.

Undersecretary Roger Brautigan reported on the Veterans Homes Division.

Undersecretary Roger Brautigan reported on Cal-Vet Farm & Home Division.

Jack Kirwan, Chief Veterans Services reported on Veterans Services Division.

Deputy Secretary Robert Wilson Chief Council Legal Division: none to report.

Undersecretary Roger Brautigan, Legislation will report at next board meeting the department's (CDVA) legislative process.

7. APPEAL FOR REVIEW

Appeal by Richard Jones (No. 05-04) Farm & Home Division. (Formal Appeal)

Board Member Crump recommended schedule appeal by Richard Jones for September 23, 2005 in San Diego.

Appeal by Richard Jones deemed received July 15, 2005.

**8. PUBLIC COMMENTS -Three Minute Limit
Board Policy Prohibits Response From Board Members**

Public comments made by Tom Montague, Dr. David Salopek, Charles Waters, and Bruce Thiesen.

ADJOURNED at 12:25 p.m.

FUTURE MEETING DATES AND LOCATIONS:

All meetings take place on Friday unless notified.

July 15, 2005

California Veterans Board Minutes

www.cdva.ca.gov/board

Next board meeting **August 8, 2005 Lancaster**

Yearly schedule is posted on web site: www.cdva.ca.gov/board

CLOSED SESSION (if necessary or required)

The general reason or reasons for a closed session, and the specific statutory authority therefore, are (1) to consider the appointment or employment of a public employee under the authority of Section 11126(a) of the Government Code; and (2) to confer with or receive advice from the Board's legal counsel regarding pending litigation under the authority of Section 11126(E)(2)(A), (2)(B), and (3) of the Government Code.

These minutes are posted to the California Department of Veterans Affairs on-line website at www.cdva.ca.gov/board